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GREGORY D. CALDWELL  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  
12400 WILSHIRE BOULEVARD  
SEVENTH FLOOR  
LOS ANGELES, CA 90025

EXAMINER

MILLS, DONALD L

ART UNIT PAPER NUMBER

2662

DATE MAILED: 08/17/2004

*[Handwritten mark]*

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/585,744

**Applicant(s)**

MIAO, KAI

**Examiner**

Donald L Mills

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-18 and 20-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-18 and 20-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 11-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 11 and 15, the term "based at least in part" (For example, see claim 11, line 4,) is a relative term, which renders the claim indefinite. The term "based at least in part" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Therefore, *optimal delay* has been rendered indefinite by the use of the term "based at least in part."

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 22, 23, 25, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by De Prycker (US 4,817,085).

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Regarding claim 22, De Prycker discloses a system, which comprises:

*A signal processor for calculating a delay experienced by each of a plurality of packets through a data network* (Referring to Figure 1, the packets are read by **EM2**.

Where the packets have a random delay, **t0**, **t1**, **tk**, ... based upon their path through the **PSN**. See column 3, lines 54-57.)

*A buffer system for delaying further conveyance of each of the packets by an amount of time dependent upon* (Referring to Figures 1 and 2, the buffer **BU** has been given a maximum size corresponding to a delay time **Tr**, which is equal to **T2**, so that the packets are delayed. See column 6, lines 9-11,) *(1) a probability distribution updated in response to receipt and processing of selected ones of each of the packets* (The probability density function is generated in response to the first packet **DP0**. See column 6, lines 30,) *and (2) the calculated delay* (Referring to Figure 1, **T2=t0+Tm**, where **t0** is the random delay through the network. See column 5, lines 59-67.)

Regarding claim 23, De Prycker discloses *the buffer system arranged to delay further conveyance by an amount also dependant upon a prestored maximum* (Referring to Figures 1 and 2, buffer unit **BU** can store packets for a longer time equal to **Tr** as a maximum size. See column 4, lines 14-16.)

Regarding claim 25, De Prycker discloses *an interrupt generator for generating an interrupt when the amount of time for each packet expires* (Referring to Figures 1 and 2, discarding is performed when a packet **DPK** does not arrive in time. See column 4, lines 65-67.)

Regarding claim 26, De Prycker discloses *a poller for sequentially polling each of a plurality of storage locations within the buffer system to determine if a packet within*

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*the storage location is to be further conveyed* (Referring to Figures 1 and 2, a packet search circuit **PSC** searches in the buffer unit **BU** for the first packet **DP0** and transfers it to the depacketizer circuit **DPA** at the appropriate clock interval and then searches for the next packet, if the packet is not available it is discarded (See column 3, lines 66-68 and column 4, lines 1-8.)

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6, 8-13, 15, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Prycker (US 4,817,085) in view of Kline et al. (US 6,157,653), hereinafter referred to as Kline.

Regarding claim 1, De Prycker discloses a system, which comprises:

*A plurality of storage location for storing packets received from a network*

(Referring to Figure 1, buffer unit **BU**, exchange memory **EM2**, and package recognition circuit **PRC** store packets received from the PSN. See column 3, lines 7-9.)

*A system for dynamically calculating a probability distribution associated with packet network delays* (The system calculates the probability density function based upon the delay required for proper transmission through the network for the packets. See column 6, line 30.)

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*A processor for calculating, based upon the dynamically calculated probability distribution, a delay associated with the storage location, (The computer CC controls the distribution, which inherently includes the calculation of the probability density function and the buffer delay associated with the packet. See column 3, lines 65-67 and column 4, lines 11-15,) and for causing a packet in the storage location to be transmitted out of the storage location after being stored in the storage location an amount of time equal to the associated delay (The packets are transmitted from the BU and PRC according to the total delay suffered by the packet which is dependent on buffer delay. See column 3, lines 65-67 and column 4, lines 11-15.)*

De Prycker does not disclose *updating a probability distribution*.

Kline teaches an apparatus and method for adaptive smoothing delay for packet voice applications, comprising after N'th packet is played out the histogram is post processed and a new histogram (updating a probability distribution) is calculated (See column 7, lines 3-8.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the adaptive smoothing delay of Kline in the data communications system of De Prycker. One of ordinary skill in the art would have been motivated to do so in order respond to changing network delay and packet jitter characteristics, which affect smoothing delay as taught by De Prycker (See column 4, lines 17-21.)

Regarding claim 2, the primary reference further teaches a system wherein *the processor calculates a difference between an optimal delay permissible to guarantee a predetermined probability of packet loss and an actual delay experienced by the packet*

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*for which the calculation is being done* (Referring to Figures 1 and 2, the first packet **DP0** is submitted to a total delay **T2**, which guarantees a predetermined probability of loss, that includes a random delay **t0**. The difference between the total delay and random delay is inherent in the mathematical equation  $T2=t0+Tm$ . See column 3, line 56 and column 4, lines 12-13.)

Regarding claims 3 and 4, the primary reference further teaches a *probability distribution is updated every Nth packet received (Claim 3)/where N is 1 (Claim 4)* (Referring to Figures 1 and 2, the probability distribution calculation includes packets **DP0, DP1, DPk**. See column 4, lines 33-45.)

Regarding claim 5, De Prycker discloses:

*Plural buffers* (Referring to Figure 1, buffer unit **BU**, exchange memory **EM2**, and package recognition circuit **PRC** store packets received from the PSN. See column 3, lines 7-9.)

*A Central Processing Unit (CPU) for causing packets arriving from a network at the apparatus to be stored in the buffer* (Referring to Figure 1, the common computer **CC** controls the storage of packets in buffer unit **BU**. See column 3, lines 59-61,) *the CPU also being arranged to calculate, upon receipt of every Nth packet or data, an optimal delay beyond which a packet will be discarded* (When the whole packet **DPk** does not arrive in time it is discarded. See column 4, lines 65-66.)

*A timer for causing each packet to incur an added delay* (The timer circuit **TC** counts a time **Tm**. See column 3, lines 65-66,) *of at least the difference between the calculated optimal delay and an actual delay experienced by each packet* (Referring to Figures 1 and 2, the first packet **DP0** is submitted to a total delay **T2**, which guarantees a

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predetermined probability of loss, that includes a random delay  $t_o$ . The difference between the total delay and random delay is inherent in the mathematical equation  $T_2 = t_o + T_m$ . See column 3, line 56 and column 4, lines 12-13.)

De Prycker does not disclose *the optimal delay being calculated using a probability distribution that is updated upon the receipt of each packet.*

Kline teaches an apparatus and method for adaptive smoothing delay for packet voice applications, comprising after N'th packet is played out the histogram is post processed and a new histogram (probability distribution) is calculated which includes smoothing the longest delay time (optimal delay) (See column 7, lines 3-8.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the adaptive smoothing delay of Kline in the data communications system of De Prycker. One of ordinary skill in the art would have been motivated to do so in order respond to changing network delay and packet jitter characteristics, which affect smoothing delay as taught by De Prycker (See column 4, lines 17-21.)

Regarding claim 6, the primary reference further teaches *wherein N is greater than or equal to 1* (Referring to Figures 1 and 2, the probability distribution calculation includes packets **DP0**, **DP1**, **DPk**. See column 4, lines 33-45.)

Regarding claim 8, the primary reference further teaches *a network interface card coupled to the CPU for receiving signals from the data network* (Referring to Figure 1, the sender/receiver circuit **SEND/REC** is coupled to **CC** for sending/receiving packets to the packet switching network **PSN**. See column 2, lines 61-64.)



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Regarding claim 9, the primary reference further teaches *the CPU is a Digital Signal Processing (DSP) chip that performs DSP, CPU control and input/output functions* (Referring to Figure 1, a user circuit that generates and receives a continuous bit-stream, which may be constituted by voice, video, or other data or a mixture thereof, comprises an A/D converter in order to digitize the traffic for communication across the network. See column 3, lines 16-19. The common computer CC, controls the system. See column 3, lines 3-6.)

Regarding claim 10 as explained above in the rejection statement of claim 5, De Prycker discloses all the claim limitations of claim 5 (parent claim). De Prycker does not disclose the *network interface card as implementing the G.723 or G.729 standard*.

De Prycker teaches a sender/receiver circuit **SEND/REC** that is coupled to the packet switching network **PSN** (See column 2, lines 61-64.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the G.723 or G.729 standard in the sender/receiver circuit. One of ordinary skill in the art at the time the invention was made would have been motivated to do so because the G.723 and G.729 standards are well known in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the functions of the user circuit and common computer into one processor. One of ordinary skill in the art at the time the invention was made would have been motivated to do so in order to increase the inefficiency in which the signals are processed. In addition, in so doing unexpected results are not produced.

Regarding claim 11, De Prycker discloses a system, which comprises:

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*Receiving a packet* (Referring to Figure 1, a packet is received by the destination interface circuit **NAI**. See column 3, lines 51-52.)

*A probability distribution* (The probability density function is generated in response to the first packet **DP0**. See column 6, lines 30,)

*An optimal delay that is based at least in part on the probability distribution* (**T2** is based upon a probability density function. See column 4, lines 30-34.)

*Reading information in the packet and ascertaining therefrom a delay incurred by the packet in traversing the network* (Referring to Figure 1, the packets are read by **EM2**. Where the packets have a random delay, **t0**, **t1**, **tk**, ... based upon their path through the **PSN**. See column 3, lines 54-57.)

*Comparing the delay ascertained to the optimal delay* (Referring to Figure 1, **to** + **Tm** = **T2**, adapted by **Tm** in order to smooth the influence of random network delay. See column 4, lines 12-13.)

*Delaying use of the packet to reconstruct a signal by a calculated amount of time sufficient to make the calculated amount of time plus the ascertained delay substantially equal to the optimal delay* (Referring to Figures 1 and 2, the packet is delayed for reconstruction by a calculated delay **Tm** and random delay **to** equal to the delay time **T2**. See column 4, lines 11-12 and column 6, lines 8-11.)

De Prycker does not disclose *updating a probability distribution* and *updating an optimal delay*.

Kline teaches an apparatus and method for adaptive smoothing delay for packet voice applications, comprising after N'th packet is played out the histogram is post

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processed and a new histogram (probability distribution) is calculated which includes smoothing the longest delay time (optimal delay) (See column 7, lines 3-8.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the adaptive smoothing delay of Kline in the data communications system of De Prycker. One of ordinary skill in the art would have been motivated to do so in order respond to changing network delay and packet jitter characteristics, which affect smoothing delay as taught by De Prycker (See column 4, lines 17-21.)

Regarding claim 12, the primary reference further teaches *setting the optimal delay to a minimum delay to cause a predetermined probability of packet loss* (Referring to Figures 1 and 2,  $T_r$  (minimum delay) is set equal to  $T_2$  (optimal delay) or larger so that no packets will be lost. See column 6, lines 10-12.)

Regarding claim 13 as explained in the rejection statement of claim 11, De Prycker discloses all of the claim limitations of claim 11 (parent claim).

De Prycker does not disclose *the required minimum delay is recalculated every Nth packet*.

Kline teaches an apparatus and method for adaptive smoothing delay for packet voice applications, comprising after N'th packet is played out the histogram is post processed and a new histogram is calculated (See column 7, lines 3-8.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the adaptive smoothing delay of Kline in the data communications system of De Prycker. One of ordinary skill in the art would have been motivated to do so in order respond to changing network delay and packet jitter

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characteristics, which affect smoothing delay as taught by De Prycker (See column 4, lines 17-21.)

Regarding claim 15, De Prycker discloses a system, which comprises:

*A buffer for storing the received packets* (Referring to Figure 1, buffer unit **BU** stores the received packets. See column 3, lines 60-61.)

*A CPU for calculating delay to which each of a plurality of received packets should be subjected* (Referring to Figure 1, the common computer **CC** controls the timing circuit **TC** for controlling the delay of the packets. See column 3, lines 9-11 and lines 64-66.)

*A timer for subjecting each packet to a calculated delay* (Referring to Figure 1, the timer circuit **TC** counts a time **T<sub>m</sub>**. See column 3, lines 65-66,) *that equals an optimal delay minus a network delay experienced by the packet* (Referring to Figures 1 and 2, the first packet **DP0** is submitted to a total delay **T2**, that includes a random delay **t0**. The difference between the total delay and random delay is inherent in the mathematical equation **T2**, dynamically adapted by **T<sub>m</sub>** in order to smooth the influence of random network delay, = **t0** + **T<sub>m</sub>**. See column 3, line 56 and column 4, lines 12-13,) *unless such calculated delay exceeds a predetermined maximum, in which case the predetermined maximum is utilized as the calculated delay* (Referring to Figures 1 and 2, the buffer **BU** has been given a maximum size corresponding to a delay time **Tr** such that **Tr** remains larger than or equal to **T2**. See column 6, lines 9-11.)

De Prycker does not disclose *calculating a probability distribution upon the receipt of each packet and an optimal delay dynamically updated based at least in part on the updated probability distribution.*

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Kline teaches an apparatus and method for adaptive smoothing delay for packet voice applications, comprising after N'th packet is played out the histogram is post processed and a new histogram (probability distribution) is calculated which includes smoothing the longest delay time (optimal delay) (See column 7, lines 3-8.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the adaptive smoothing delay of Kline in the data communications system of De Prycker. One of ordinary skill in the art would have been motivated to do so in order respond to changing network delay and packet jitter characteristics, which affect smoothing delay as taught by De Prycker (See column 4, lines 17-21.)

Regarding claim 24 as explained above in the rejection statement of claim 22, De Prycker discloses all the claim limitations of claim 22 (parent claim). De Prycker does not disclose the *signal processor as programmed to use a recursive algorithm*.

De Prycker teaches a system where the delay is calculated based upon a predetermined probability that the errors in the delayed packets are always less than a predetermined value, which is based upon network delay (See column 2, lines 3-6.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the calculation of network delay in a recursive algorithm. One of ordinary skill in the art at the time the invention was made would have been motivated to do so because recursive algorithms are well known in the art.

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7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over De Prycker (US 4,817,085) in view of Kline et al. (US 6,157,653), hereinafter referred to as Kline, further in view of Jain (US 6,259,677 B1).

Regarding claim 14 as explained above in the rejection statement of claim 11, primary references teach all of the claim limitations of claim 11. De Prycker does not disclose *comparing said required minimum delay to a predetermined value each time said minimum delay is recalculated, and, if said recalculated minimum delay exceeds said predetermined value, assigning said minimum delay to be said predetermined value.*

Jain teaches a method of receiving and playing packetized real-time data which comprises initializing a packet transmission fixed delay and a playout delay estimate; a packet delay is calculated for each packet as it is received; and the fixed delay estimate is adjusted downwards if the fixed delay estimate is greater than the packet delay for the current packet (See column 3, lines 60-67.) Jain further teaches when packets are received very late they are marked so that they will not affect playout delay estimates (See column 6, lines 48-49.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method of Jain in the system of De Prycker. One of ordinary skill in the art would have been motivated to do so in order to accurately follow the jitter envelope of the variable packet delays and adjust playout time accordingly for better performance at connection startup as taught by Jain (See column 3, lines 31-35.)

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8. Claims 16-18, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jain (US 6,259,677 B1) in view of Lauret (US 2002/0191645A1).

Regarding claim 16, Jain discloses a dynamic jitter management system for voice over IP and Real-Time data, which comprises:

*Receiving a first packet at a receiving gateway* (A gateway operates as a receiver, buffering voice packets. See column 4, lines 46-47.)

*Maintaining constant any synchronization error between a transmitting gateway and the receiving gateway by inserting a delay said packet is estimated to have experienced in traversing a network* (Referring to Figure 2, the first delay,  $d_f$ , represents the minimum travel time that a packet will incur in the network as it passes from sender to receiver, used for determining proper playout time for synchronizing real-time traffic. See column 4, lines 58-60.) Jain does not disclose *setting a clock at the receiving gateway to a value equal to a time stamp contained within the first packet plus the estimated delay.*

Lauret teaches setting the clock frequency at the ATM receiver to **SRTSreceived** and **D** (See page 3, section 54, lines 1-7.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the clock setting method of Lauret in the system of Jain. One of ordinary skill in the art would have been motivated to do so in order to more accurately assess the real clock offset and increase the accuracy of the packet jitter estimation for real-time data as taught by Lauret (See paragraph 2, lines 12-14.).

Regarding claim 17, the primary reference further teaches *receiving packets in addition to said first packet, reading a time stamp from each of said additional packets,*

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*calculating network delay for each of said additional packets based upon said clock at said receiving gateway and said timestamp from each of said additional packets*

(Referring to Figure 5, summer 40 computes a raw packet delay  $n_i$  for each packet  $i$  as the difference between the send timestamp  $ts_i$  and a receive timestamp  $tr_i$ . Receive timestamp  $tr_i$  is computed from a receive clock. See column 5, lines 48-50 and 55-56.)

Regarding claim 18, the primary reference further teaches *updating a probability distribution function indicative of network delays after receipt of every Nth packet*

(Referring to Figure 5, a packet jitter value is computed for each packet by subtracting the fixed delay from the timestamp difference for that sample. See column 6, lines 36-38.)

Regarding claim 20, the primary reference further teaches *wherein said updating further comprises recalculating a buffer latency* (Referring to Figure 5, packet jitter values are fed to adaptive playout delay estimator 46, which in turn feeds playout delay values to playout buffer control 48, inherently processed for each packet. See column 6, lines 11-13.)

Regarding claim 21, the primary reference further teaches *wherein said buffer latency is assigned a value different from the recalculated buffer latency if and only if said recalculated buffer latency exceeds a predetermined value* (Referring to Figure 5, when the packet arrives before the minimum arrival time predicted by the current fixed delay estimate, the fixed delay estimate is set to the timestamp difference and the packet's jitter is reset to zero, directly affecting the playout delay values for the playout buffer. See column 6, lines 39-43.)



***Response to Arguments***

9. Applicant's arguments with respect to claims 1-6, 8-15, and 24 have been considered but are moot in view of the new grounds of rejection.

10. Applicant's arguments with respect to claims 16-18, 20-23, 25, and 26 have been fully considered but they are not persuasive.

**Rejection Under 35 USC § 103**

On page 11 of the remarks, regarding claims 22-26, Applicant argues De Prycker does not disclose, teach, or otherwise make obvious *updating in response to receipt and processing of selected ones of each of the packets*. The Examiner respectfully disagrees. De Prycker discloses generating the probability density function is in response to the first packet **DP0** (See column 6, lines 30.) De Prycker discloses updating the probability density function for the first packet of transmission and would therefore subsequently perform the updating process for the first packet of transmission following the system initialization. Therefore, De Prycker discloses *updating in response to receipt and processing of selected ones of each of the packets*.

On page 14 of the remarks, regarding claims 16-18, 20, and 21, Applicant argues Jain does not disclose, teach, or otherwise make obvious *maintaining constant any synchronization error between a transmitting gateway and the receiving gateway by inserting a delay said packet is estimated to have experienced in traversing a network*. The Examiner respectfully disagrees. Jain discloses determining proper playout time for synchronizing real-time traffic (maintaining constant any synchronization error) based the estimated fixed first delay,  $d_f$ , which represents the minimum travel time that a packet will incur in the network as it passes from sender to receiver (See column 4, lines 58-60.)

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Therefore, Jain discloses *maintaining constant any synchronization error between a transmitting gateway and the receiving gateway by inserting a delay said packet is estimated to have experienced in traversing a network.*

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L Mills whose telephone number is 703-305-7869. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 703-305-4744. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Donald L Mills



August 11, 2004



**JOHN PEZZLO  
PRIMARY EXAMINER**